

Notice of Allowability

Application No.

09/830,647

Examiner

Christopher H Yaen

Applicant(s)

ARAI ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/10/2003.
2. ☒ The allowed claim(s) is/are 1,3,5-7 and 10-30.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/830,647.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


GARY NICKOL
PRIMARY EXAMINER

Christopher Yaen
Art Unit 1642

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Warren Cheek on 05 March 2004.

The claims of this application have been amended as follows:

Claim 1 (Currently Amended) An isolated human protein comprising the ~~an~~ amino acid sequence of SEQ ID NO: 1.

Claim 2 (Cancelled)

Claim 3 (Currently Amended) An isolated human protein comprising the ~~an~~ amino acid sequence of SEQ ID NO: 2.

Claim 4 (Cancelled)

Claim 5 (Previously Presented) An isolated CDNA encoding the human protein of claim 1 or 3.

Claim 6 (Currently Amended) The CDNA of claim 5, which comprises the ~~a~~ nucleotide sequence of SEQ ID NO: 3.

Claim 7 (Previously Presented) The CDNA of claim 5, which comprises a nucleotide sequence of SEQ ID NO: 4.

Claim 8 (Cancelled)

Claim 9 (Cancelled)

Claim 10 (Previously Presented) A recombinant vector comprising the cDNA of claim 6.

Claim 11 (Previously Presented) A recombinant vector comprising the cDNA of claim 7.

Claim 12 (Previously Presented) An isolated monoclonal antibody which binds specifically against the human protein of claim 1.

Claim 13 (Previously Presented) An isolated monoclonal antibody which binds specifically against the human protein of claim 3.

Claim 14 (Currently Amended) A method for promoting the proliferation of cells in vitro, which comprises introducing the CDNA of claim 6 together with an expression regulatory sequence into the cells.

Claim 15 (Currently Amended) A method for promoting the proliferation of cells in vitro, which comprises introducing the CDNA of claim 7 together with an expression regulatory sequence into the cells.

Claim 16 (Currently Amended) A method for suppressing the proliferation of cells in vitro, which comprises introducing the antibody of claim 12 into the cells.

Claim 17 (Currently Amended) A method for suppressing the proliferation of cells in vitro, which comprises introducing the antibody of claim 13 into the cells.

Claim 18 (Previously Presented) An isolated polypeptide consisting of an amino acid sequence of SED ID NO: 1.

Claim 19 (Previously Presented) An isolated polypeptide consisting of an amino acid sequence of SED ID NO: 2.

Claim 20 (Previously Presented) An isolated polynucleotide encoding the polypeptide of claim 18 or 19.

Claim 21 (Currently Amended) The polynucleotide of claim 20, which comprises the~~a~~ nucleotide sequence of SEQ ID NO: 3.

Claim 22 (Currently Amended) The polynucleotide of claim 20, which comprises the~~a~~ nucleotide sequence of SEQ ID NO: 4.

Claim 23 (Previously Presented) A recombinant vector comprising the polynucleotide of claim 21.

Claim 24 (Previously Presented) A recombinant vector comprising the polynucleotide of claim 22.

Claim 25 (Previously Presented) An isolated monoclonal antibody which binds specifically against the polypeptide of claim 18.

Claim 26 (Previously Presented) An isolated monoclonal antibody which binds specifically against the polypeptide of claim 19.

Claim 27 (Currently Amended) A method for promoting the proliferation of cells in vitro, which comprises introducing the polynucleotide of claim 21 together with an expression regulatory sequence into the cells.

Claim 28 (Currently Amended) A method for promoting the proliferation of cells in vitro, which comprises introducing the polynucleotide of claim 22 together with an expression regulatory sequence into the cells.

Claim 29 (Currently Amended) A method for suppressing the proliferation of cells in vitro, which comprises introducing the antibody of claim 25 into the cells.

Claim 30 (Currently Amended) A method for suppressing the proliferation of cells in vitro, which comprises introducing the antibody of claim 26 into the cells.

All rejections and or objections are withdrawn in view of the applicant's amendments and arguments thereto as set forth in the paper filed 12/10/2003.

All post allowance correspondence (including formal drawings) concerning this application must be mailed to the following address:

**Box Issue Fee
Commissioner for Patents
Washington, DC 20231**

Alternatively, faxes may be sent to the Office of Patent Publication at (703)-308-5083.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H Yaen whose telephone number is 571-272-0838. The examiner can normally be reached on Monday-Friday 9-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Yaen
Art Unit 1642
March 5, 2004


GARY NICKOL
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Warren Cheek on 05 March 2004.

The claims of this application have been amended as follows:

Claim 1 (Currently Amended) An isolated human protein comprising the ~~an~~ amino acid sequence of SEQ ID NO: 1.

Claim 2 (Cancelled)

Claim ²~~3~~ (Currently Amended) An isolated human protein comprising the ~~an~~ amino acid sequence of SEQ ID NO: 2.

Claim 4 (Cancelled)

Claim 5 (Previously Presented) An isolated CDNA encoding the human protein of claim 1 or ²~~3~~.

Claim 6 (Currently Amended) The CDNA of claim 5, which comprises the ~~a~~ nucleotide sequence of SEQ ID NO: 3.

Claim 7 (Previously Presented) The CDNA of claim 5, which comprises a nucleotide sequence of SEQ ID NO: 4.

Claim 8 (Cancelled)

Claim 9 (Cancelled)

⁸
Claim ~~10~~ (Previously Presented) A recombinant vector comprising the cDNA of claim 6.

⁹
Claim ~~11~~ (Previously Presented) A recombinant vector comprising the cDNA of claim 7.

¹⁵
Claim ~~12~~ (Previously Presented) An isolated monoclonal antibody which binds specifically against the human protein of claim 1.

¹⁶
Claim ~~13~~ (Previously Presented) An isolated monoclonal antibody which binds specifically against the human protein of claim ²~~3~~.

¹⁹
Claim ~~14~~ (Currently Amended) A method for promoting the proliferation of cells in vitro, which comprises introducing the CDNA of claim 6 together with an expression regulatory sequence into the cells.

²⁰
Claim ~~15~~ (Currently Amended) A method for promoting the proliferation of cells in vitro, which comprises introducing the CDNA of claim 7 together with an expression regulatory sequence into the cells.

²³
Claim ~~16~~ (Currently Amended) A method for suppressing the proliferation of cells in vitro, which comprises introducing the antibody of claim ¹⁵~~12~~ into the cells.

²⁴
Claim ~~17~~ (Currently Amended) A method for suppressing the proliferation of cells in vitro, which comprises introducing the antibody of claim ¹⁶~~13~~ into the cells.

³
Claim ~~18~~ (Previously Presented) An isolated polypeptide consisting of an amino acid sequence of SED ID NO: 1.

⁴
Claim ~~19~~ (Previously Presented) An isolated polypeptide consisting of an amino acid sequence of SED ID NO: 2.

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¹⁰
Claim ~~20~~ (Previously Presented) An isolated polynucleotide encoding the polypeptide of claim ³~~18~~ or ⁴~~19~~.

¹¹
Claim ~~21~~ (Currently Amended) The polynucleotide of claim 20, which comprises the ~~a~~ nucleotide sequence of SEQ ID NO: 3.

¹²
Claim ~~22~~ (Currently Amended) The polynucleotide of claim 20, which comprises the ~~a~~ nucleotide sequence of SEQ ID NO: 4.

¹³
Claim ~~23~~ (Previously Presented) A recombinant vector comprising the polynucleotide of claim 21.

¹⁴
Claim ~~24~~ (Previously Presented) A recombinant vector comprising the polynucleotide of claim ¹¹~~22~~.

¹⁷
Claim ~~25~~ (Previously Presented) An isolated monoclonal antibody which binds specifically against the polypeptide of claim ³~~18~~.

¹⁸
Claim ~~26~~ (Previously Presented) An isolated monoclonal antibody which binds specifically against the polypeptide of claim ⁴~~19~~.

²¹
Claim ~~27~~ (Currently Amended) A method for promoting the proliferation of cells in vitro, which comprises introducing the polynucleotide of claim ¹¹~~21~~ together with an expression regulatory sequence into the cells.

²²
Claim ~~28~~ (Currently Amended) A method for promoting the proliferation of cells in vitro, which comprises introducing the polynucleotide of claim ¹²~~22~~ together with an expression regulatory sequence into the cells.

²⁵
Claim ~~29~~ (Currently Amended) A method for suppressing the proliferation of cells in vitro, which comprises introducing the antibody of claim ¹⁷~~25~~ into the cells.

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Claim ²⁶~~30~~ (Currently Amended) A method for suppressing the proliferation of cells in vitro, which comprises introducing the antibody of claim ¹⁸~~28~~ into the cells.

All rejections and or objections are withdrawn in view of the applicant's amendments and arguments thereto as set forth in the paper filed 12/10/2003.

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Christopher Yaen
Art Unit 1642
March 5, 2004